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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding observations of the Committee on the Rights of the Child:
Central African Republic**

1. The Committee considered the initial report of the Central African Republic (CRC/C/11/Add.18) at its 657th to 658th meetings (CRC/C/SR.657 and 658), held on 28 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the submission of the State party's report, the prompt submission of the written answers to the list of issues (CRC/C/Q/CAR.1), and the additional information provided to it during the course of the dialogue. The Committee welcomes the dialogue that took place and notes the State party's frank and self-critical approach.

B. Positive aspects

3. The Committee notes references to children in the State party's Constitution and the adoption of a new Family Code which entered into force in October 1998.

4. The Committee congratulates the State party for its establishment of a Children's Parliament and of a network of ambassadors for peace.

* At the 669th meeting, held on 6 October 2000.

5. The Committee notes the introduction of a programme through which schools are managed by local communities and that there has been an increase in the enrolment of children living within those communities.

6. The Committee strongly commends the State party for its efforts to receive refugee children from neighbouring countries.

7. The Committee notes the establishment of the National Commission for the Follow-Up of the Convention and of committees at the provincial and communal levels.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee notes that the State party is only now emerging from a period of political instability and intermittent armed conflicts requiring a United Nations peacekeeping presence.

9. The Committee notes that several countries bordering the State party have been involved in armed conflicts, leading to regional instability, refugee movements, including into the State party, and a weakening of the regional economy.

10. The Committee notes the very serious economic problems faced within the State party, the failure of economic reforms, the pressures exerted by structural adjustment programmes and the landlocked situation of the country.

11. The Committee notes, in particular, that the very high illiteracy rate among the population in general is a serious impediment to implementation of certain aspects of the Convention in the countryside.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

12. The Committee is concerned at the lack of an appropriate legal framework, with the judicial system still reliant upon colonial-era legislation which is not always appropriate to the current situation. The Committee is concerned, further, that customary practices are sometimes applied instead of domestic law and that some of these practices violate children's rights.

13. The Committee recommends that the State party make every effort to review domestic legislation and to ensure its conformity with the provisions of the Convention on the Rights of the Child. The Committee urges the State party to strengthen implementation of legislation and, in particular, to end those customary practices which violate children's rights.

National plan of action

14. The Committee is concerned at the lack of implementation of the 1993 National Plan of Action for the survival and development of children.

15. Recognizing the efforts under way, the Committee recommends that the State party update the National Plan of Action and make every effort to reinforce future implementation, inter alia, through implementation of the various recommendations included in the new plan and in the present concluding observations, and ensure that implementation takes into consideration the holistic nature of the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Policy and coordination

16. The Committee expresses concern at the lack of a national policy setting out the main orientations and strategies for the comprehensive care of children and notes the weaknesses in the coordination of efforts made on behalf of children described in the State party's report.

17. The Committee recommends that the State party pursue its own proposals to create coordination mechanisms at the national and local levels and to adopt a single integrated child rights policy. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Budgetary allocations

18. The Committee is concerned that an insufficient proportion of budgetary resources is devoted to implementing the provisions of the Convention.

19. In the light of article 4 of the Convention, the Committee recommends that the State party pursue its goals to increase budgetary allocations in the health and education sectors to at least 25 per cent of the national budget and to ensure adequate resource distribution for the implementation of the Convention as a whole.

Monitoring and data collection

20. The Committee notes with appreciation the establishment of the National Commission for the Follow-Up of the Convention on the Rights of the Child but it is concerned nevertheless that there is insufficient monitoring of the implementation of the Convention and that the State party lacks sufficient data for the formulation and implementation of policy on child rights.

21. The Committee recommends that the State party take the necessary measures to strengthen the National Commission for the Follow-Up of the Convention on the Rights of the Child. The Committee recommends in particular that the Commission be made fully independent and provided with the resources, including, for example, document translation and duplication facilities, and the authority to function effectively and to receive and investigate complaints concerning violations of children's rights. The Committee also recommends that the State party consider additional ways to improve monitoring and the

use of the information gathered to strengthen efforts to implement the Convention. The Committee further recommends the strengthening of procedures for the collection of data disaggregated according to the different criteria covered by the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Civil society

22. The Committee is concerned that civil society is under-resourced, insufficiently well organized and consequently unable to contribute fully to the implementation of children's rights in the State party. The Committee is concerned also at the absence of a single coalition of NGOs focusing on child rights in the State party.

23. The Committee recommends that the State party review the capacity and contribution of civil society in the implementation of the Convention. The Committee also recommends that the State party make every effort to strengthen the role played by civil society, inter alia, through improvements in the registration of NGOs, the provision of support to civil society in accessing resources and through facilitating the functioning of civil society programmes. The Committee further recommends the establishment of a coalition of NGOs focusing on children's rights, with a view to improving coordination and the use of resources.

Dissemination of the Convention

24. The Committee is very concerned about the poor knowledge and understanding of the Convention within the State party, especially among rural populations.

25. The Committee urges the State party to make every effort to improve knowledge and understanding of the Convention and its provisions among the population in general and the rural population in particular. The Committee recommends that the State party undertake a long-term campaign to disseminate the Convention through diverse means, taking into consideration the high rates of illiteracy and the lack of access of the large majority of the population to television or radio. The Committee recommends that the State party seek assistance from UNICEF and OHCHR in this regard.

2. Definition of the child

26. The Committee is concerned at the practice of employing children at a young age.

27. The Committee recommends that the State party improve implementation of domestic legislation in relation to the employment of children and sensitize the public about the harm caused by child labour.

3. General principles

Discrimination

28. The Committee is concerned that there is extensive discrimination against girls with regard, in particular, to access to education and inheritance rights. The Committee is also concerned that there is discrimination against children with disabilities and against minority populations, notably including Pygmies.

29. The Committee recommends that the State party take action to end discrimination including, in particular, discrimination against girls, discriminatory customary practices and discrimination against children with disabilities and children from minority groups. The Committee recommends that the State party address discrimination, inter alia, through improved implementation of national legislation prohibiting discrimination and through the sensitization of the population.

Best interests

30. The Committee is concerned that the best interests of children in the State party are not respected and notes that this concern is closely linked, inter alia, to the allocation of insufficient resources for the respect and protection of children's rights.

31. The Committee recommends that the State party make additional efforts to ensure that the best interests of children are respected and to increase the allocation of resources in this regard.

Right to life, survival and development

32. The Committee is concerned at violations of the child's right to life with regard, inter alia, to those children born in the breech position. The Committee is also concerned that many children's rights to survival and development are not respected.

33. The Committee recommends that the State party review the impact of traditional attitudes which may be harmful for children, such as attitudes with regard to children born in the breech position, and that the right to life be guaranteed. Further, the Committee urges the State party to strengthen its efforts to ensure respect for the rights to survival and development of all children.

Right to be heard

34. The Committee joins the State party in expressing its concern for the limited respect given to the views of children, including as a result of customary and traditional practices, in schools and in the family and particularly within rural communities.

35. In light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views through the adoption and implementation of appropriate legislation, through the sensitization of key professional groups and the family, through use of the media and through other activities targeting the public in general and parents and schools in particular.

4. Civil rights and freedoms

Right to a name and nationality

36. The Committee is concerned at the low levels of birth registration in the State party and at reports indicating that there are financial charges for this service.

37. In light of article 7 of the Convention, the Committee recommends that the State party make every effort to ensure the birth registration of all children, particularly in rural areas, for example via the use of mobile offices, and to ensure that birth registration services are free.

38. The Committee is concerned at violations of the right to a nationality for children whose birth has not been registered or for children born in the State party and whose parents are not nationals of the State party. The Committee joins the State party in noting that while children can acquire nationality from age 12, parents who are non-nationals have much greater difficulty in acquiring nationality.

39. The Committee recommends that the State party examine concerns relating to the access of children to a nationality and make every effort to improve respect for this right. The Committee also recommends that the State party give attention to the situation of children whose parents are unable to claim the State party's nationality.

Fair trial rights

40. With reference to the State party's report and replies received to questions during the dialogue, the Committee is concerned that the interpretation of the legal status of minors results in very limited possibilities for children to receive legal advice.

41. Aware of the limited resources available to the State party, the Committee recommends that consideration be given to the establishment of "legal aid centres" run by volunteers, for example law students, through which children can be provided with legal advice.

Access to information

42. The Committee is concerned that children have poor access to information.

43. The Committee recommends that the State party improve children's access to information, inter alia by providing greater access to newspapers and libraries, including materials in the Sango language, and to radio. The Committee recommends, in addition, that the State party ensure that children are protected from harmful information.

Corporal punishment and violence

44. The Committee is concerned at incidents of police brutality and corporal punishment committed against children, notably in Bangui.

45. The Committee recommends that the State party end all acts of violence against children, including corporal punishment, committed by, among others, members of the police forces. The Committee also recommends that the State party provide child rights training programmes for police and detention officials.

5. Family environment and alternative care

46. The Committee is deeply concerned at weaknesses in family structures and unity as a result of poverty and HIV/AIDS. The Committee is also concerned by the practices of early and forced marriage.

47. The Committee recommends that the State party provide additional support to families in combating the effects of poverty and in compensating for the loss of earnings and other support caused by illness or death from HIV/AIDS among parents. The Committee also recommends that the State party strengthen its efforts to end the practices of early and forced marriage. The Committee recommends, in addition, that support also be provided to communities as a whole. The Committee recommends that the State party seek assistance from UNICEF and WHO in this regard.

Children deprived of a family environment

48. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee joins the State party in expressing concern at the low quality of care provided by existing State and non-governmental structures and the difficulties faced by extended families which take on the responsibility of caring for orphans.

49. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the expansion of existing structures, the improved training of staff, the allocation of increased resources to relevant bodies and the provision of assistance to extended family members who take on responsibility for orphaned children. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Adoption

50. The Committee joins the State party in expressing deep concern at the problems suffered by children in the context of domestic adoption, intercountry adoption and guardianship proceedings, and in particular at reports of the ill-treatment of children by guardians.

51. The Committee recommends that, in the context of improvements to alternative care, the State party review and strengthen its adoption proceedings and consider reviewing the use of the guardianship mechanism which does not appear to provide sufficient protection to children. The Committee also recommends that the State party become a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse and neglect

52. The Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party, and that insufficient efforts have been made to protect children.

53. The Committee recommends that the State party implement measures to address the abuse and neglect of children including, inter alia, through improved monitoring, reporting and responses to such practices. The Committee recommends, in addition, that the State party sensitize parents and the population in general on this issue.

6. Basic health and welfare

Health and health services

54. The Committee is concerned at the very high mortality rate among young children and the high maternal mortality rate, the high level of serious illnesses, problems related to malnutrition among children and mothers, low immunization rates and poor access to safe drinking water. The Committee is concerned, in addition, that the charging of fees for basic health care, and particularly prenatal and maternal care, may limit the access of disadvantaged children and their mothers to health services. Further, the Committee is concerned at weaknesses in the health information system and the lack of health statistics in particular.

55. The Committee urges the State party to make every additional effort to address urgently health concerns among children and adults and to improve access for the whole population, including poor families, to health services. The Committee urges the State party in particular to consider and apply means through which charges for health services can be removed or reduced for disadvantaged children and mothers and to improve the decentralization of effective health services. The Committee recommends that the State party make free medical assistance available to pregnant women, including the assistance of trained professionals during childbirth. The Committee urges the State party to continue to seek international cooperation in this regard, including from UNICEF, WHO and others.

HIV/AIDS

56. The Committee is deeply concerned at the high level of HIV/AIDS infection among children or their parents or other persons, such as teachers, with a particular responsibility towards children.

57. The Committee urges the State party to strengthen its efforts to combat HIV/AIDS infection, including through efforts to combat tuberculosis. The Committee also urges the State party to consider ways of minimizing the impact upon children of HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to emotional care and education.

Harmful traditional practices

58. The Committee is concerned at the practice of female genital mutilation in some areas of the State party.

59. The Committee urges the State party to end female genital mutilation, inter alia through the development and implementation of legislation and programmes prohibiting and addressing the practice and through sensitization of the population. The Committee recommends that the State party take advantage of the efforts in this regard made by other States.

Adolescent and reproductive health

60. The Committee is concerned at the limited availability of health assistance for adolescents and of reproductive health education and assistance for adolescents and adults. The Committee is also concerned at the number of pregnancies and the incidence of sexually transmitted diseases, including HIV/AIDS, among adolescents.

61. The Committee recommends that the State party improve the provision of health assistance to adolescents and of reproductive health education and assistance to both adolescents and adults. The Committee recommends that the State party make special efforts to address the incidence of pregnancy and sexually transmitted diseases among adolescents including through the provision of child-friendly counselling.

Mental health

62. The Committee is concerned at the lack of mental health assistance for children and at the situation of mental health among children and adolescents, particularly in the context of widespread family instability and the armed mutinies.

63. The Committee recommends that the State party ensure the availability of mental health assistance to children, taking into consideration the developmental needs of children and addressing in particular those children affected by family instability, HIV/AIDS and the armed mutinies.

Children with disabilities

64. The Committee is concerned that the rights of children with disabilities are respected to only a very limited extent. The Committee is particularly concerned at the need for improved access for children with disabilities to specialized health and care assistance.

65. The Committee, noting that a policy for the advancement of persons with disabilities has been submitted to the National Assembly, recommends that the State party focus its activities on behalf of children with disabilities on supporting their families in order to prevent their being institutionalized. Further, the Committee recommends that the State party improve the overall protection of the rights of children with disabilities including, in particular, through the improvement of access for children with disabilities to specialized health and care assistance. The Committee urges the State party to apply the recommendations made during the Committee's day of general discussion on children with disabilities and the relevant United Nations guidelines on disability.

Social security

66. The Committee acknowledges the State party's efforts to establish a social security system, but joins the State party in expressing concern at the limited access of members of the population to such assistance.

67. The Committee encourages the State party to make every effort to ensure that, at a minimum, children from poorer families and communities, including rural communities, have access to basic health and other services which are either free or within their means.

Standard of living

68. The Committee notes the very low standard of living of a majority of the State party's population, owing in part to increasing poverty and involving, inter alia, no access to drinking water and very poor sanitation conditions.

69. The Committee recommends that the State party make urgent efforts to raise the standard of living among the population, including in particular the rural population, by improving, inter alia, access to drinking water and sanitation.

7. Education, leisure and cultural activities

Education

70. The Committee is deeply concerned at the low education levels among children in the State party, the number of children who are several years behind in their primary education, the high drop-out rate of children who do attend school and the closing of many schools and classes because of a lack of teachers. Further, the Committee remains concerned at the difficulties linked to the introduction of the national language into schools.

71. The Committee recommends that the State party make every effort to raise the level of educational achievement among children through, inter alia, increasing the number of available schools and classes, providing for the initial and ongoing training of more teachers and school inspectors, developing standard national textbooks, increasing the rates of enrolment and providing assistance with school fees, uniforms and other equipment for poor families. The Committee urges the State party to seek international assistance in this regard, including from UNICEF and UNESCO. The Committee further recommends that the State party continue to make every effort, including through the allocation of relevant material and other resources, to standardize the use of the Sango language in schools.

Leisure and cultural activities

72. The Committee is concerned that children have insufficient opportunity to exercise their rights to leisure and cultural activities.

73. The Committee recommends that the State party improve respect for the right of children to leisure and cultural activities, including promoting these rights among parents, teachers and community leaders. The Committee also recommends that the State party make its "Ambassadors for Peace" programme accessible to children who are currently excluded from the education process. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.

8. Special protection measures

Child refugees

74. The Committee is concerned at the situation of some refugee children who are obliged to beg for food and money on city streets.

75. Noting the State party's considerable efforts to welcome refugees from neighbouring countries, the Committee recommends that the State party continue to assist child refugees and their families and to maintain its cooperation with UNHCR, making particular efforts to assist refugee children who are living or working on the streets.

Juvenile justice

76. While recognizing the State party's efforts in this domain, the Committee remains concerned at the limited progress achieved in establishing a functioning system of juvenile justice throughout the country. In particular, the Committee is concerned at the small number of juvenile courts, none of which is outside Bangui, the detention and imprisonment of juveniles with adults and the absence of assistance towards the rehabilitation and reintegration of juveniles following justice proceedings.

77. The Committee recommends that the State party pursue its efforts to train judges in juvenile justice and that the State party extend such training to other law enforcement officials, including police and prison personnel. The Committee also recommends that

every effort be made to separate children from adults in detention and prison facilities and to establish a programme of rehabilitation and reintegration of juveniles following justice proceedings. The Committee further recommends that the State party make further efforts to implement the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee recommends that juvenile courts be established at all prefectures and that the State party seek international assistance in the area of juvenile justice from, among others, OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Child labour

78. The Committee is concerned by the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

79. The Committee, acknowledging the State party's commitment to drafting a policy on child labour that has as its starting point the elimination of the worst forms of such labour, recommends that the State party pursue and strengthen its efforts. Noting also its recent ratification of ILO Convention No. 138 on the Minimum Age for Admission to Employment, the Committee recommends that the State party make every effort to implement this convention and to ratify and implement ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee recommends that the State party seek assistance from ILO/IPEC in this regard.

Drug abuse

80. The Committee is concerned at the incidence of drug abuse by children in the State party, including the sniffing of petrol and glue.

81. The Committee recommends that the State party implement measures to prevent and eliminate the abuse of drugs by children, including the sniffing of petrol and glue, inter alia through sensitization of children and adults about the harm caused by such abuse and through the implementation of measures providing for the care, rehabilitation and social reintegration of child drug abusers.

Children in armed conflict

82. The Committee is concerned at the several incidents of internal disturbance, including mutinies, within the State party and the effect of such incidents on children.

83. The Committee recommends that the State party protect children from the effects of armed conflict or other strife within the State party. The Committee also recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict at the earliest opportunity.

Sexual exploitation

84. The Committee is concerned that children may be at risk of being sold or made to engage in prostitution.

85. The Committee recommends that the State party monitor and address any incidents involving the sale or prostitution of children and consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Dissemination of the report, written answers, concluding observations

86. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.